

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ulrike SCHULZ et al.

Confirmation No.: 2143

Serial No. : 10/574,230

Group Art Unit: 1636

(National Stage of PCT/EP2005/051898)

Examiner: not yet assigned

I. A. Filed : April 27, 2005

For : TRANSPARENT COSMETIC MICROEMULSION-BASED
FORMULATION CONTAINING AN ALPHA-HYDROXYCARBOXYLIC
ACID

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Pursuant to 37 C.F.R. § 1.56 and 37 C.F.R. §§ 1.97-1.98, Applicants hereby direct the Examiner's attention to the following documents cited in the International Search Report for International Application PCT/EP2005/051898 of which the above-referenced application is a National Stage:

- 1) EP 0 490 053 A1, June 17, 1992;
- 2) U.S. Patent No. 5,298,240 (SCHRÖDER et al.), March 29, 1994;
Applicants note that this document is a family member of document (1);
- 3) EP 1 092 415 A2, April 18, 2001;
- 4) U.S. Patent Application Publication No. 2005/0186236 A1 (DORSCHNER et al.), August 25, 2005; Applicants note that this document is a family member of document (3);
- 5) U.S. Patent No. 6,180,117 B1 (BERTHIAUME et al.), January 30, 2001;

- 6) WO 00/44343, August 3, 2000, accompanied by an English language abstract thereof (provided by esp@cenet); ;
- 7) EP 0 813 862 A2, December 29, 1997, accompanied by an English language abstract thereof (provided by esp@cenet);
- 8) DE 195 09 079 A1, September 19, 1996;
- 9) U.S. Patent No. 6,607,733 B1 (DIEC et al.), August 19, 2003; Applicants note that this document is a family member of document (8);
- 10) EP 1 500 388 A1, January 26, 2005;
- 11) U.S. Patent Application Publication No. 2005/0048013 A1 (DIEC et al.), March 3, 2005; Applicants note that this document is a family member of document (10);
- 12) GB 2 280 111 A, January 25, 1995;
- 13) U.S. Patent No. 3,509,253 (BABBIN), April 28, 1970.

Furthermore, Applicants direct the Examiner's attention to the following documents cited in an Office Action issued in connection with German Application DE 10 2005 017 032.3 of which the present application claims priority:

- 14) DE 102 10 461 A1, September 18, 2003; accompanied by an English language abstract thereof (provided by esp@cenet);
- 15) DE 42 04 321 A1, August 19, 1993; accompanied by an English language abstract of family member EP 0 555 776 A1 (provided by esp@cenet);
- 16) DE 27 03 642 A1, August 4, 1977;
- 17) U.S. Patent No. 4,089,942 (BORÉ et al.), May 16, 1978; Applicants note that this document is a family member of document (16).

Applicants further direct the Examiner's attention to the following documents:

- 18) WO 98/32418, July 30, 1998; Applicants note that this document is cited and discussed in the present application beginning on page 2, line 9, of the present application;
- 19) U.S. Patent No. 5,925,338 (KARASSIK et al.), July 20, 1999; Applicants note that this document is a family member of document (18);
- 20) WO 92/05767 A1, April 16, 1992; Applicants note that this document is cited and discussed in the present application beginning on page 2, line 10, of the present application;
- 21) U.S. Patent No. 5,587,153 (ANGELONE, JR. et al.), December 24, 1996; Applicants note that this document is a family member of document (20);
- 22) U.S. Patent No. 5,863,525 (ANGELONE, JR. et al.), January 26, 1999; Applicants note that this document is a family member of documents (20) and (21);
- 23) WO 96/28132, September 19, 1996; Applicants note that this document is cited and discussed in the present application beginning on page 2, line 23, of the present application;
- 24) U.S. Patent No. 6,607,733 B1 (DIEC et al.), August 19, 2003; Applicants note that this document is a family member of document (23);
- 25) WO 98/15255, April 16, 1998; Applicants note that this document is cited and discussed in the present application beginning on page 2, line 23, of the present application;
- 26) U.S. Patent No. 6,468,551 B1 (DIEC et al.), October 22, 2002; Applicants note that this document is a family member of document (25);

- 27) DE 40 09 347 A1, September 26, 1991, accompanied by an English language abstract thereof (provided by esp@cenet); Applicants note that this document is cited and discussed in the present application beginning on page 8, line 6, of the present application;
- 28) DE 37 40 186 A1, January 5, 1989, accompanied by an English language abstract of family member EP 0 297 310 (provided by esp@cenet); Applicants note that this document is cited and discussed in the present application beginning on page 8, line 14, of the present application;
- 29) DE 39 38 140 A1, August 8, 1991; Applicants note that this document is cited and discussed at page 8, line 14, of the present application;
- 30) U.S. Patent No. 5,318,778 (SCHMUCKER et al.), June 7, 1994; Applicants note that this document is a family member of document (29);
- 31) DE 42 04 321 A1, August 19, 1993, accompanied by an English language abstract for family member EP 0 555 776 A1 (provided by esp@cenet); Applicants note that this document is cited and discussed at page 8, line 15, of the present application;
- 32) DE 42 29 707 A1, March 10, 1994, accompanied by an English language abstract thereof (provided by esp@cenet); Applicants note that this document is cited and discussed in the present application beginning on page 8, line 15, of the present application;
- 33) DE 42 29 737 A1, March 10, 1994, accompanied by an English language abstract thereof (provided by esp@cenet); Applicants note that this document is cited and discussed in the present application beginning on page 8, line 15, of the present application;

- 34) DE 42 37 081 A1, May 5, 1994; Applicants note that this document is cited and discussed in the present application beginning on page 8, line 15, of the present application;
- 35) U.S. Patent No. 5,648,067 (DILLENBURG et al.), July 15, 1997; Applicants note that this document is a family member of document (34);
- 36) DE 43 09 372 A1, September 29, 1994; Applicants note that this document is cited and discussed at page 8, line 15, of the present application;
- 37) U.S. Patent No. 5,718,888 (KLIER et al.), February 17, 1998; Applicants note that this document is a family member of document (36);
- 38) DE 43 24 219 A1, January 26, 1995, accompanied by an English language abstract of family member EP 0 636 359 A1 (provided by esp@cenet); Applicants note that this document is cited and discussed in the present application beginning on page 8, line 16, of the present application.

Applicants further direct the Examiner's attention to the following documents cited in a German Search Report for German Application DE 10 2004 020 711.9 of which the present application claims priority:

- 39) DE 44 23 450 C2, January 11, 1996, accompanied by an English-language abstract of family member EP 0 691 126 (provided by esp@cenet); this document is categorized in the German Search Report as an A document, i.e., as defining the general state of the art and illustrating the technological background;

- 40) DE 199 19 481 A1, November 2, 2000; this document is categorized in the German Search Report as an A document, i.e., as defining the general state of the art and illustrating the technological background;
- 41) U.S. Patent No. 6,911,210 B1 (BORMANN et al.), June 28, 2005; Applicants note that this document is a family member of document (40);
- 42) DE 198 44 261 A1, March 30, 2000, accompanied by an English-language abstract thereof (provided by esp@cenet); this document is categorized in the German Search Report as an A document, i.e., as defining the general state of the art and illustrating the technological background;
- 43) DE 198 42 787 A1, March 23, 2000; this document is categorized in the German Search Report as an A document, i.e., as defining the general state of the art and illustrating the technological background;
- 44) U.S. Patent Application Publication No. 2003/0175221 A1 (GERS-BARLAG et al.), September 18, 2003; Applicants note that this document is a family member of document (43);
- 45) U.S. Patent No. 6,585,983 (GERS-BARLAG et al.), July 1, 2003 B1; Applicants note that this document is a family member of documents (43) and (44);
- 46) DE 196 08 775 A1, September 11, 1997; this document is categorized in the German Search Report as an A document, i.e., as defining the general state of the art and illustrating the technological background;
- 47) U.S. Patent No. 6,156,296 (RIEDEL et al.), December 5, 2000; Applicants note that this document is a family member of document (46);
- 48) DE 196 02 111 A1, July 24, 1997, accompanied by an English-language abstract thereof (provided by esp@cenet); this document is categorized in

the German Search Report as an A document, i.e., as defining the general state of the art and illustrating the technological background;

49) DE 101 07 628 A1, August 22, 2002, accompanied by an English-language abstract thereof (provided by esp@cenet); this document is categorized in the German Search Report as an A document, i.e., as defining the general state of the art and illustrating the technological background;

50) DE 695 23 805 T2, October 11, 1995; this document is categorized in the German Search Report as an A document, i.e., as defining the general state of the art and illustrating the technological background;

51) U.S. Patent No. 5,652,266 (BOBIER-RIVAL et al.), July 29, 1997; Applicants note that this document is a family member of document (50);

52) EP 0 775 486 A1, May 28, 1997, accompanied by an English-language abstract thereof (provided by esp@cenet); this document is categorized in the German Search Report as an A document, i.e., as defining the general state of the art and illustrating the technological background.

Applicants further direct the Examiner's attention to the following co-pending and co-assigned applications:

53) U.S. Patent Application No. 10/574,219 entitled "AQUEOUS ANTI-PERSPIRATION FORMULATION";

54) U.S. Patent Application No. 10/574,231 entitled "TRANSPARENT COSMETIC OR DERMATOLOGICAL FORMULATION";

55) U.S. Patent Application No. 11/586,585 entitled "OPTICALLY APPEALING COSMETIC OR DERMATOLOGICAL PREPARATION".

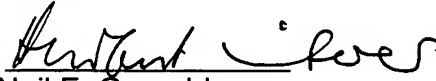
Copies of the above-listed documents (with the exception of U.S. patents and U.S. patent applications) and the International and German Search Reports for International Application PCT/EP2005/051898 (in English and German) and German Application DE 10 2004 020 711.9, respectively, and of the Office Action issued in connection with German Application DE 10 2005 017 032.3 are enclosed together with a completed copy of the Form PTO-1449 listing these documents. Accordingly, the Examiner is requested to consider these documents and to indicate such consideration by returning a signed and initialed copy of the Form PTO-1449 with the next official communication.

Further to 37 C.F.R. § 1.98 (a)(2)(i) and (ii), copies of the U.S. patents and U.S. patent applications cited above are not enclosed herewith. However, if any copies are needed, the Examiner is respectfully requested to contact the undersigned.

Applicants note that an Office Action on the merits has not yet issued in the instant application, and thus, no fee is necessary to ensure consideration of this statement. However, if an Office Action has issued and is crossing in the mail with this statement, the Patent and Trademark Office is hereby authorized to charge Deposit Account No. 19-0089 any fee necessary to ensure consideration of the submitted materials.

If there should be any questions, the Examiner is invited to contact the undersigned at the telephone number listed below.

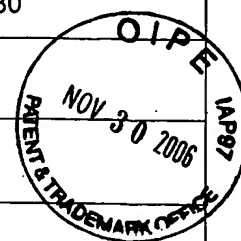
Respectfully submitted,
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FORM PTO-1449

U.S. Department of Commerce
Patent and Trademark OfficeAtty. Docket No.
P29300Application No.
10/574,230INFORMATION DISCLOSURE STATEMENT
BY APPLICANT
(Use several sheets if necessary)Applicant
Ulrike SCHULZ et al.Filing Date
I.A. Filed April 27, 2005Group
1636

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5 2 9 8 2 4 0	03/29/94	SCHRÖDER et al.			
	2005 /	0 1 8 6 2 3 6	08/25/05	DORSCHNER et al.			
		6 1 8 0 1 1 7	01/30/01	BERTHIAUME et al.			
		6 6 0 7 7 3 3	08/19/03	DIEC et al.			
	2005 /	0 0 4 8 0 1 3	03/03/05	DIEC et al.			
		3 5 0 9 2 5 3	04/28/70	BABBIN			
		4 0 8 9 9 4 2	05/16/78	BORÉ et al.			
		5 9 2 5 3 3 8	07/20/99	KARASSIK et al.			
		5 5 8 7 1 5 3	12/24/96	ANGELONE, Jr. et al.			
		5 8 6 3 5 2 5	01/26/99	ANGELONE, Jr. et al.			
		6 6 0 7 7 3 3	08/19/03	DIEC et al.			
		6 4 6 8 5 5 1	10/22/02	DIEC et al.			
		5 3 1 8 7 7 8	06/07/94	SCHMUCKER et al.			
		5 6 4 8 0 6 7	07/15/97	DILLENBURG et al.			
		5 7 1 8 8 8 8	02/17/98	KLIER et al.			
		6 9 1 1 2 1 0	06/28/05	BORMANN et al.			
	2003 /	0 1 7 5 2 2 1	09/18/03	GERS-BARLAG et al.			
		6 5 8 5 9 8 3	07/01/03	GERS-BARLAG et al.			
		6 1 5 6 2 9 6	12/05/00	RIEDEL et al.			
		5 6 5 2 2 6 6	07/29/97	BOBIER-RIVAL et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
		0 4 9 0 0 5 3	06/17/92	E.P.O.			
		1 0 9 2 4 1 5	04/18/01	E.P.O.			
	0	0 / 4 4 3 4 3	08/03/00	W.I.P.O.			
		0 8 1 3 8 6 2	12/29/97	E.P.O.			
	1	9 5 0 9 0 7 9	09/19/96	GERMANY			
		1 5 0 0 3 8 8	01/26/05	E.P.O.			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

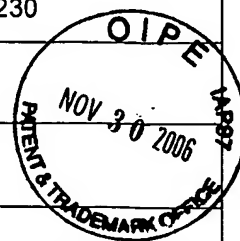
	1	English Language Abstract of WO 00/44343.
	2	English Language Abstract of EP 0 813 862.

EXAMINER

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*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449

U.S. Department of Commerce
Patent and Trademark OfficeAtty. Docket No.
P29300Application No.
10/574,230INFORMATION DISCLOSURE STATEMENT
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FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO	
		2 2 8 0 1 1 1	01/25/95	GREAT BRITAIN				
	1	0 2 1 0 4 6 1	09/18/03	GERMANY				
		4 2 0 4 3 2 1	08/19/93	GERMANY				
		2 7 0 3 6 4 2	08/04/77	GERMANY				
	9	8 / 3 2 4 1 8	07/30/98	W.I.P.O.				
	9	2 / 0 5 7 6 7	04/16/92	W.I.P.O.				
	9	6 / 2 8 1 3 2	09/19/96	W.I.P.O.				
	9	8 / 1 5 2 5 5	04/16/98	W.I.P.O.				
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		3 7 4 0 1 8 6	01/05/89	GERMANY				
		3 9 3 8 1 4 0	08/08/91	GERMANY				
		4 2 0 4 3 2 1	08/19/93	GERMANY				
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		4 3 2 4 2 1 9	01/26/95	GERMANY				
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	1	9 8 4 4 2 6 1	03/30/00	GERMANY				
	1	9 8 4 2 7 8 7	03/23/00	GERMANY				
	1	9 6 0 8 7 7 5	09/11/97	GERMANY				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

3	English Language Abstract of DE 102 10 461.
4	English Language Abstract of EP 0 555 776.
5	English Language Abstract of DE 40 09 347.
6	English Language Abstract of EP 0 297 310.
7	English Language Abstract of EP 0 555 776.
8	English Language Abstract of DE 42 29 707.
9	English Language Abstract of DE 42 29 737.
10	English Language Abstract of EP 0 636 359.
11	English Language Abstract of EP 0 691 126.
12	English Language Abstract of DE 198 44 261.

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

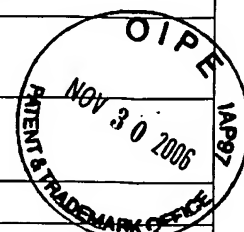
U.S. Department of Commerce
Patent and Trademark Office

Application No.
10/574,230

Applicant
Ulrike SCHULZ et al.

Filing Date
I.A. Filed April 27, 2005

Group
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DOCUMENT NUMBER

DATE _____

COUNTRY

CLASS

SUBCLASS

TRANSLATION
YES NO

1

9 6 0 2 1 1 1

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GERMANY

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0 1 0 7 6 2 8

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GERMANY

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9 5 2 3 8 0 5

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GERMANY

0 7 7 5 4 8 6

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E.P.O.

13

English Language Abstract of DE 196 02 111.

14

English Language Abstract of DE 101 07 628.

15

English Language Abstract of EP 0 775 486.

16

U.S. Patent Application No. 10/574,219 entitled "AQUEOUS ANTI-PERSPIRATION FORMULATION".

17

U.S. Patent Application No. 10/574,231 entitled "TRANSPARENT COSMETIC OR DERMATOLOGICAL FORMULATION":

18

U.S. Patent Application No. 11/586,585 entitled "OPTICALLY APPEALING COSMETIC OR DERMATOLOGICAL PREPARATION".

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